<u>Remarks</u>

Applicants respectfully request reconsideration. This amendment affects the application as follows:

- Claim 1 has been amended;

- The following remarks have been submitted.

The Examiner has rejected claim 1 under 35 U.S.C. § 112, ¶1, as failing to comply with the enablement requirement. The Examiner has asserted that claim 1 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The portion of claim 1 at issue is the limitation, "a database that stores data bus information for a plurality of different types of data busses." The Examiner has asserted that this limitation is not supported by the specification. Applicants respectfully disagree.

Contrary to the assertions in the Office Action, the database 44 is plainly described as storing information for "different types of busses." This characteristic of the database is supported, for example, at ¶21 of the published application:

> The database provides a repository for vehicle-specific data bus information. The information is gathered from vehicle manufacturers and includes proprietary data bus configurations for each vehicle make and model potentially served by the telematics application.

A direct reading of the specification reveals that the database contains data bus configurations (plural) for different makes and models of vehicle. Therefore, the specification indeed does provide support for "a database that stores data bus information for a plurality of different types of data busses," as recited in claim 1.

Also supporting enablement is the fact that a stated purpose of the system disclosed is to simplify the development of telematics applications for working with different types of vehicles having different types of data busses. This problem is clearly described in the background section:

> Vehicle data bus architectures, and the data conveyed on the buses, are typically vehicle-dependent, or specific to the vehicle make and/or manufacturer. [¶3]
> […]

These differences in bus standards and bus data content give rise to an ever-increasing number of vehicle variants. This increasing number of variants presents a problem to the people who create telematics applications that use vehicle data to provide meaningful content. [¶4]

[...]
Conventionally, application programmers often need an intimate understanding of each vehicle's data-bus architecture and associated knowledge in how to extract desired vehicle data from that architecture. This approach typically requires a substantial investment in time and cost for the programmer. In addition, the application generally requires customization from one vehicle make and/or model, to the next. This presents a problem in terms of application portability to all potential telematics platforms. [¶5]

[...]
What is needed and as yet unavailable is a telematics-based vehicle data acquisition architecture that enables telematics application programmers to develop applications that can extract vehicle data with generic data requests independent of the vehicle data bus architecture. The telematics-based vehicle data acquisition system described herein satisfies this need. [¶7]

The instant application addresses this deficiency in the prior art by allowing telematics applications to be developed at a high level, "such that data requests may be made generically, or independent of the vehicle make or model." ¶22. The system responds to generic requests from telematics applications by reaching into the database 44 to obtain vehicle-specific data bus information:

The vehicle runtime library 28 then responds to the application request, at step 204, by retrieving the proprietary vehicle data bus information from the remote runtime database 44. The information includes, for example, the data protocol type, the access method for the parameter, value addresses, shift and mask information, return value decoding methods, scaling and unit conversion, etc. [¶27]

Therefore, the information retrieved from the database is selected from among information in the database for different types of data busses and is particular to the make and model of the vehicle on which the telematics application is being run.

From a plain reading of the application, claim 1 provides support for "a database that stores data bus information for a plurality of different types of data busses." Therefore, claim 1 meets the requirements for enablement, and the rejection of claim 1 under 35 U.S.C. § 112, ¶1, should be withdrawn.

The Examiner has also rejected claims 2-4 under 35 U.S.C. § 112, ¶1, citing the same grounds as asserted in connection with the rejection of claim 1. Since these

grounds for rejection have been overcome, the rejection of each of claims 2-4 under 35 U.S.C. § 112, ¶1 should be withdrawn.

The Examiner has rejected claims 9-14 under 35 U.S.C. § 112, ¶1, as failing to meet the enablement requirement. However, the Office Action has not supplied any basis for these rejections. Therefore, these rejections are improper and should be withdrawn.

To the extent that the Examiner's objections to claims 9-14 derive from a recited step in claim 9 of "accessing [...] a database that stores data bus information for a plurality of different vehicle makes," Applicants refer the Examiner to the statements above in support of the enablement of claim 1.

The Examiner has rejected claim 1 under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner has asserted that claim 1 lacks antecedent basis for the term, "the application program."

Applicants have amended claim 1 to correct this problem, by replacing the term "application program" with "telematics application." Antecedent basis for "the telematics application" can be found at line 3 of claim 1 as amended. With this correction in place, the requirements of 35 U.S.C. § 112, ¶2 are satisfied and the rejection of claim 1 as amended under 35 U.S.C. § 112, ¶2 is overcome.

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable based on Klausner et al. (US 6748305B1, hereinafter, "Klausner") in view of Seashore et al. (US 5916286A, hereinafter, "Seashore"). Applicants respectfully submit that this rejection is improper and should be withdrawn.

Both Klausner and Seashore have been discussed in Applicants' Amendment Accompanying RCE, dated December 1, 2006. Klausner teaches a method and device for storing data in a vehicle. The device includes a "memory medium" that is connected over a vehicle data bus to various sensors and subsystems. At various points in time, the memory medium can be updated to include a potentially wide variety of information about the vehicle, including the status of its systems, the driving characteristics of its operators, and even the environmental conditions to which the vehicle is subject during its time in service.

Seashore discloses a hand-held diagnostic tool that can be configured to read vehicle information (Abstract). The diagnostic tool contains a memory into which codes can be stored for interacting with different vehicles. A user configures the diagnostic

tool for interacting with a particular vehicle by selecting that vehicle type from the diagnostic tool's user interface. The diagnostic tool can then read information stored in the vehicle. See Fig. 4 and Col. 3, lines 6-24.

The Amendment Accompanying RCE pointed out aspects of claim 1 that clearly distinguish over the combination of Klausner and Seashore, but which have not been addressed in the Examiner's arguments supporting the instant rejection. In particular, Applicants pointed out in the previous amendment that claim 1 recites a step of

> retrieving, responsive to the requests for vehicle parameter data from the application program, vehicle data bus information from a database that stores data bus information for a plurality of different types of data busses, the retrieved vehicle data bus information being associated with the type of data bus used on the vehicle on which the telematics application is executed

In making the case for obviousness, however, the Examiner has omitted from his analysis the limitation that the retrieving step is "responsive to the requests for vehicle parameter data from the application program."

As specified in MPEP 706.02(j), an office action must set forth the following elements to establish a *prima facie* case for obviousness under 35 U.S.C. § 103(a):

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

The Examiner has made the assertion that "the method of acquiring vehicle data is responsive to the execution of a telematics application on a local telematics unit." However, that is a very general statement that does not address the particular limitations of claim 1, as amended. By omitting from the analysis the limitation that the retrieving step is "responsive to the requests for vehicle parameter data from the application program," the Office Action has not made a *prima facie* case for obviousness under 35 U.S.C. § 103(a). Therefore, the rejection of claim 1 as amended is improper and should be withdrawn.

As Applicants have pointed out, the fact that the retrieving step is "responsive to the requests for vehicle parameter data from the application program" represents a significant distinction. It is the application program's request for vehicle parameter data that causes the retrieval of vehicle data bus information specific to the vehicle of interest. This stands in contrast with Seashore, wherein a user manually selects a vehicle type. The specification provides a clear basis for this distinction at Fig 2 and paragraph 27:

> The vehicle runtime library 28 then responds to the application request, at step 204, by retrieving the proprietary vehicle data bus information from the remote runtime database 44. The information includes, for example, the data protocol type, the access method for the parameter, value addresses, shift and mask information, return value decoding methods, scaling and unit conversion, etc.

Neither Klausner nor Seashore discloses a step of retrieving vehicle data bus information responsive to requests from an applications program, as recited in claim 1 as amended. One simply cannot arrive at claim 1 as amended by combining Klausner with Seashore.

Therefore, and for at least these reasons, the rejection of claim 1 as amended under 35 U.S.C. § 103(a) is overcome. Since claim 1 as amended has not been rejected on any grounds not already addressed, Applicants respectfully submit that claim 1 as amended is allowable.

Claims 2-4 depend from claim 1 as amended. Therefore, claims 2-4 are allowable for the same reasons applied to claim 1 as amended.

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable based on Klausner in view of Seashore. Applicants respectfully submit that this rejection is improper and should be withdrawn.

Claim 9 is directed to a method of acquiring vehicle data from any of a plurality of different vehicle makes. The claimed method includes the steps of "executing a telematics application on a local telematics unit operatively connected to a vehicle," "requesting vehicle parameter data by the telematics application," "accessing, *responsive to the step of requesting vehicle parameter data*, a database that stores data bus information for a plurality of different vehicle makes," "querying the database to retrieve data bus information for a particular vehicle make that corresponds to the vehicle," and "extracting vehicle data from a vehicle data bus using the vehicle data bus information" [emphasis added].

In formulating the rejection of claim 9, the Examiner has not considered the portion of claim 9 emphasized above in italicized, bold print, which Applicant presented, discussed, and identified as significant in the preceding amendment. The Office Action does not identify any aspect of Klausner or Seashore that corresponds to the steps in claim 9 of "requesting vehicle parameter data by the telematics application" and "accessing, responsive to the step of requesting vehicle parameter data, a database that stores data bus information for a particular vehicle make that corresponds to the vehicle." Therefore, the Office Action has not made a *prima facie* case for obviousness under 35 U.S.C. § 103(a). See MPEP 706.02(j). Therefore, the rejection of claim 9 under 35 U.S.C. § 103(a) is improper.

In addition, Klausner and Seashore, taken separately or together, fail to disclose the method recited in claim 9. One simply cannot arrive at claim 9 by combining Klausner with Seashore.

Therefore, the rejection of claim 9 under 35 U.S.C. § 103(a) is overcome. Since claim 9 has not been rejected on any grounds not already addressed, Applicants respectfully submit that claim 9 is allowable.

Claims 10-13 depend from claim 9. Therefore, claims 10-13 are allowable for the same reasons applied to claim 9.

Conclusion:

Applicants contend that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully Submitted,

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